

June 17, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400129 & E0400262**

DALLAS STAFFORD
Code Enforcement Appeals

Locations: 12221 and 12207 – 176th Avenue Southeast

Appellant: **Dallas Stafford**
7535 South Lakeridge Drive
Seattle, WA 98178
Telephone: (206) 772-0174

King County: Department of Development and Environmental Services
represented by **Jeri Breazeal**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-7264
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeals
Department's Final Recommendation:	Deny appeals
Examiner's Decision:	Appeals denied

EXAMINER PROCEEDINGS:

Hearing Opened:	June 15, 2004
Hearing Closed:	June 15, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On April 20, 2004, King County Department of Development and Environmental Services, Code Enforcement Section, issued two notices and orders to Dallas Stafford regarding two contiguous 39,000 square foot rental properties located in the May Valley area. The notice and order in file no. E0400129 was issued for property located at 12221 – 176th Avenue Southeast. It was cited for placement of a mobile home without required building permits and allowing such unit to be maintained open to entry, an accumulation of inoperable vehicles and parking of such vehicles on non-impervious surfaces, and an accumulation of junk and debris. The notice and order in file no. E0400262 was issued for the property located at 12207 – 176th Avenue Southeast, and it was cited for an accumulation of inoperable vehicles, parking of vehicles on impervious surfaces and an accumulation of junk and debris. Mr. Stafford has filed timely appeals of both notices and orders and the hearings on the two appeals have been consolidated.
2. The structure cited on the property located at 12221 – 176th Avenue Southeast appears to be one half of a double-wide mobile home that was enclosed with T-111 siding and provided with entryways and a couple of small windows. The Appellant stated that the unit was on the property when he purchased it in 1998. This unit has a history of septic system problems with the Health Department, and in 2003 Mr. Stafford executed a covenant that acknowledges that “the trailer residence on this property is non-permitted.” Since the unit cannot be legally permitted as an accessory residence, at the public hearing Mr. Stafford floated the idea that perhaps he could remove its kitchen and convert it to a storage unit. When it was pointed out to him that such conversion would require a permit from the State Department of Labor & Industries and a permit for asbestos removal in addition to a conventional building permit, Mr. Stafford agreed that this was not a practical solution to the problem. This older dilapidated mobile home unit will need to be removed from the property.
3. The other issues at 12221 – 176th Avenue Southeast are more manageable. The junk and debris piles on the property shown in the staff photographs are relatively small and, except for an engine block, should be easily removed. The Appellant agrees that removal of the inoperable yellow vehicle also needs to be accomplished.
4. With respect to the property located at 12207 – 176th Avenue Southeast, the Appellant’s main concern appears to be a desire not to remove the inoperable motor home from the property until his son returns from the east coast at the end of the summer and can replace its engine. This appears to be a reasonable request so long as the more serious junk and debris issues are resolved in a timely way.
5. The unlawful accumulation of junk and debris on the property at 12207 – 176th Avenue Southeast has been an ongoing problem for a number of years. A 2002 notice and order based on complaints dating back to 1999 also cited the property for accumulations of junk and debris. By the time of a May 15, 2002, decision issued by the Hearing Examiner’s office on file no. E9901520, the junk and debris had been removed. However, a compliance certificate issued by

DDES nearly two years later regarding a building permit requirement for an addition noted that the junk and debris accumulations had returned.

6. It is Mr. Stafford's uncontroverted contention that the deposits of junk and debris now present on the property located at 12207 – 176th Avenue Southeast are the consequence of illegal dumping by trespassers. The staff photographs tend to corroborate this contention to the extent that the materials on the site, including dilapidated furniture, old appliances and tires, are clearly household garbage items. But the problem is a serious one because the property is beginning to look like an uncontrolled landfill. Mr. Stafford needs to figure out how to effectively gate the driveway into this site in order to control the fugitive refuse disposal problem. In addition, this property has an inoperable pickup truck that needs to be removed.

CONCLUSIONS:

1. The citations contained within the two notices and orders issued to Appellant Dallas Stafford at 12207 and 12221 – 176th Avenue Southeast are all supported by the evidence of record. The appeals of the notices and orders, therefore, must be denied.

DECISION:

The appeals are DENIED.

ORDER:

12221 – 176th Avenue Southeast

1. The mobile home, inoperable vehicle and junk and debris on this site shall be removed within 60 days of the date of this order.
2. No penalties shall be assessed against the Appellant or his property if the deadline established above in condition no. 1 is met. If the deadline is not met, penalties may be assessed retroactive to the date of this order.

12207 – 176th Avenue Southeast

3. The junk and debris and inoperable vehicles on this site shall be removed from the property within 60 days of the date of this order, subject to the proviso contained below in condition no. 4.
4. If all other cited conditions on the Appellant's property have been corrected within the 60 day deadline stated above in condition no. 3, the inoperable motorhome on the property may remain until September 30, 2004, in order that the Appellant may replace the engine and return it to operating condition. After September 30, 2004, the motorhome shall either be removed from the property or parked on an impervious surface within a legally permitted structure.

5. No penalties shall be assessed against the Appellant or his property if the deadlines stated above in conditions 3 and 4 are all met. If such deadlines are not met, penalties may be assessed retroactive to the date of this order.

ORDERED this 17th day of June, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 17th day of June, 2004, to the parties and interested persons of record:

Dallas R. Stafford
7535 S. Lakeridge Dr.
Seattle WA 98178

Jeri Breazeal
DDES/LUSD
Code Enf. Section
MS OAK-DE-0100

Suzanne Chan
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NOTICE OF RIGHT TO APPEAL

The action of the hearing examiner on this matter shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the issuance of this decision. The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.

MINUTES OF THE JUNE 15, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NOS. E0400129 & E0400262.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jeri Breazeal, representing the Department; and Dallas Stafford, the Appellant.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	DDES Staff Report
Exhibit No. 2	Copy of the Notice & Order for E0400129 issued April 20, 2004

- Exhibit No. 3 Copy of the Notice & Order for E0400262 issued April 20, 2004
- Exhibit No. 4 Copy of appeals received May 3, 2004
- Exhibit No. 5 Copies of codes cited in the Notice and Order
- Exhibit No. 6 Photographs of E0400129 taken by Jeri Breazeal dated March 1, 2004 and May 26, 2004
- Exhibit No. 7 Photographs of E0400262 taken by Jeri Breazeal dated March 1, 2004 and May 26, 2004
- Exhibit No. 8 Copy of the recorded Declaration of Covenant
- Exhibit No. 9 Copy of a previous Notice & Order for case E9901520
- Exhibit No. 10 Copy of the Hearing Examiner's Report and Decision for case E9901520 dated May 15, 2002
- Exhibit No. 11 Copy of the Compliance Certificate issued April 1, 2004
- Exhibit No. 12 Video taken by Dallas Stafford of the two parcels

SLS:ms

E0400129 & E0400262 RPT